

**SETTER OLLILA LLC**

An Intellectual Property Law Firm

---

2060 BROADWAY, SUITE 300  
BOULDER, CO 80302  
PHONE 303-938-9999  
FACSIMILE 303-938-9995

**FACSIMILE TRANSMISSION**

DATE: December 30, 2004

FROM: Gregg Jansen

TELEPHONE: (303) 938-9999 ext. 14

NUMBER OF PAGES (including this page):

4

EMAIL: gjansen@soiplaw.com

TO: Examiner Theresa Snider  
U.S. Patent Office

TELEPHONE: (571) 272-1277

RE:

FAX: (571) 273-1277

---

**MESSAGE**

RE: Reissue application 10/764,385

Enclosed is the completed, signed reissue declaration, per your request, to be filed under 37 C.F.R. § 1.172(a). Please contact me if you have any questions or concerns.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL 303-938-9999

THIS TELECOPY IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

PTO/SB/52 (07-03)

Approved for use through 01/13/2004, OMB 0651-0033

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		Docket Number (optional) 20501/066RIS
<p>I hereby declare that:</p> <p>The residence, mailing address and citizenship of the inventors are stated below.</p> <p>I am authorized to act on behalf of the following assignee: <u>Orack Holdings, LLC</u></p> <p>and the title of my position with said assignee is: <u>President</u></p> <p>The entire title to the patent identified below is vested in said assignee.</p>		
Inventor Michael E. Embree	Citizenship US	
Residence/Mailing Address 4401 Beatline Road #11G, Long Beach, MS 39560		
Inventor Terrance M. Roberts	Citizenship US	
Residence/Mailing Address 986 Bokai Way, Diamondhead, MS 39525		
<input checked="" type="checkbox"/> Additional inventors are named on separately numbered sheets attached hereto.		
Patent Number 6,148,473	Date of Patent Issued 11/21/2000	
Title of Invention BALANCED FLOW VACUUM CLEANER		
<p>I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: <u>BALANCED FLOW VACUUM CLEANER</u>.</p> <p>the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>1/23/2004</u> as reissue application number <u>10 / 764,385</u></p> <p>and was amended on <u>1/23/2004</u></p> <p>(if applicable)</p> <p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p> <p>The reissue is requested because the Embree patent is, through error and without any deceptive intent, deemed to be wholly or partly invalid by reason of the patentee claiming more than the patentee had a right to claim in the patent. The reissue being requested will not enlarge the scope of the claims of the Embree patent. The newly found prior art references disclose some of the features of the Embree patent. Therefore, it is proposed that independent</p>		

claims 17 and 22 of the Embree patent be amended as included below.

A vacuum cleaner comprises an intake body having an intake opening for receiving a flow of air and particulates, the intake body further having an intake flow area and at least two exit openings. The vacuum cleaner further comprises a filter element to separate the particulates from the flow of air. The vacuum cleaner further comprises at least two conduits, each having a first aperture coupled to one of the exit openings of the intake body and a second aperture in fluid communication with the filter element, and with each conduit of the at least two conduits having a conduit flow area wherein the sum of the conduit flow areas is less than the intake flow area in order to accelerate the flow through the conduits. The vacuum cleaner further comprises an airflow propulsion device coupled between the intake opening and the exit openings for moving the flow of air from the intake opening to the filter element.

A vacuum cleaner comprises an intake body having an intake opening configured to be positioned proximate to a surface for receiving a flow of air and particulates, the intake body further having at least two exit openings for simultaneously directing the flow of air and particulates out of the intake body. The vacuum cleaner further comprises a filter element for separating at least some of the particulates from the flow of air and particulates. The vacuum cleaner further comprises at least two conduits in fluid communication with the intake body. The vacuum cleaner further comprises a manifold in fluid communication with the filter element and in fluid communication with the at least two conduits, with the manifold including a first portion coupled to a first conduit and a second portion coupled to a second conduit and wherein at least two air flows in the at least two conduits are merged in the manifold and provided to the filter element. The vacuum cleaner further comprises an airflow propulsion device for moving the flow of air and particulates from the intake opening to the filter element.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

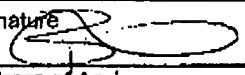
*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

PTO/SB/52 (07-03)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		Docket Number (Optional) 20501/006RIS																									
<p>At least one error upon which reissue is based is described as follows:</p> <p>Patentee claimed more than he had a right to claim in view of the prior art recently discovered.</p> <p style="text-align: center;">[Attach additional sheets, if needed.]</p> <p>All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.</p>																											
<p>I hereby appoint:</p> <p><input checked="" type="checkbox"/> Practitioners at Customer Number: <span style="border: 1px solid black; padding: 2px 20px;">32847</span></p> <p style="text-align: center;"><b>OR</b></p> <p><input type="checkbox"/> Practitioner(s) named below:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"><thead><tr><th style="width: 50%;">Name(s)</th><th style="width: 50%;">Registration Number</th></tr></thead><tbody><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>				Name(s)	Registration Number																						
Name(s)	Registration Number																										
<p>as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.</p>																											
<p>Correspondence Address: Direct all communications about the application to:</p> <p><input checked="" type="checkbox"/> Customer Number <span style="border: 1px solid black; padding: 2px 20px;">32847</span></p> <p style="text-align: center;"><b>OR</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"><tr><td style="width: 15%;"><input type="checkbox"/> Firm or Individual Name</td><td colspan="3"> </td></tr><tr><td>Address</td><td colspan="3"> </td></tr><tr><td>Address</td><td colspan="3"> </td></tr><tr><td>City</td><td style="width: 15%;">State</td><td style="width: 15%;">Zip</td><td> </td></tr><tr><td>Country</td><td colspan="3"> </td></tr><tr><td>Telephone</td><td>Fax</td><td colspan="2"> </td></tr></table>				<input type="checkbox"/> Firm or Individual Name				Address				Address				City	State	Zip		Country				Telephone	Fax		
<input type="checkbox"/> Firm or Individual Name																											
Address																											
Address																											
City	State	Zip																									
Country																											
Telephone	Fax																										
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>																											
<p>Full name of person signing (given name, family name)</p> <p>Bruce J. Oreck</p>																											
<p>Signature </p>		<p>Date <span style="font-family: cursive;">12-29-04</span></p>																									
<p>Address of Assignee</p> <p>Oreck Holdings, LLC, /o CT Corporation Systems, 1720 Carey Avenue, Cheyenne, WY 82001</p>																											